

PATENT COOPERATION TREATY

034017.008WO

From the INTERNATIONAL BUREAU

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NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

RODGERS, Dennis, C.
Smith, Gambrell & Russell, L.L.P.
Suite 800
1850 M Street, N.W.
Washington, D.C. 20036
ETATS-UNIS D'AMERIQUEDate of mailing (day/month/year)
24 November 2005 (24.11.2005)Applicant's or agent's file reference
034017R008WO

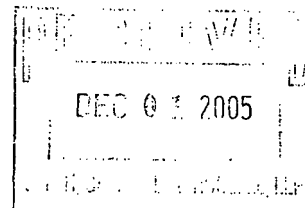
IMPORTANT NOTICE

International application No.
PCT/US2004/014423International filing date (day/month/year)
07 May 2004 (07.05.2004)Priority date (day/month/year)
09 May 2003 (09.05.2003)

Applicant

INTELLIPACK et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
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Authorized officer

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 034017R008WO	FOR FURTHER ACTION See item 4 below	
International application No. PCT/US2004/014423	International filing date (<i>day/month/year</i>) 07 May 2004 (07.05.2004)	Priority date (<i>day/month/year</i>) 09 May 2003 (09.05.2003)
International Patent Classification (IPC) or national classification and IPC 7 B29C 44/18		
Applicant INTELLIPACK		

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 10 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input checked="" type="checkbox"/> Box No. II	Priority	<input checked="" type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input checked="" type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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<input checked="" type="checkbox"/> Box No. VII	Certain defects in the international application															
<input type="checkbox"/> Box No. VIII	Certain observations on the international application															
<p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>																

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 740 14 35</p>	<p>Date of issuance of this report 11 November 2005 (11.11.2005)</p>
	<p>Authorized officer</p> <p>Simin Baharlou</p> <p>Telephone No. +41 22 338 71 30</p>

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

Article 19 Amdt due: 1/24/2006

To: <div style="font-size: 1.2em; margin-top: 10px;">DCR</div> <div style="font-size: 1.2em; margin-top: 10px;">034017.008W00</div> <div style="margin-top: 10px;">see form PCT/ISA/220</div> <div style="margin-top: 10px; font-size: 1.5em;">v5/11</div>	<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED 21 OCT 2004 </div> <div style="font-size: 2em; font-weight: bold; margin-top: 10px;">PCT</div> <div style="text-align: center; margin-top: 10px;"> WIPO WRITTEN INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet) </div>	
Applicant's or agent's file reference see form PCT/ISA/220	FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US2004/014423	International filing date (day/month/year) 07.05.2004	Priority date (day/month/year) 09.05.2003
International Patent Classification (IPC) or both national classification and IPC B29C44/18		
Applicant INTELLIPACK		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

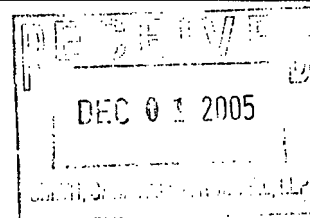
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.



Name and mailing address of the ISA: <div style="margin-top: 10px;"> <div style="margin-left: 10px;"> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 </div> </div>	Authorized Officer <div style="margin-top: 10px;"> Hannam, M Telephone No. +49 89 2399-2153 </div> <div style="text-align: right; margin-top: 10px;"> </div>
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/014423

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/014423

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/014423

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 24-31,38-172

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 24-31,38-172 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 24-31,38-172
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/014423

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-23,32-37
	No: Claims	
Inventive step (IS)	Yes: Claims	13-17,20-23,36-37
	No: Claims	1-12,18-19,32-35
Industrial applicability (IA)	Yes: Claims	1-23,32-37
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item III.

In view of the large number of claims presently on file which render the true scope of protection required by the applicant unclear (Article 6 PCT), the examination which follows is carried out only on those claims which have been searched - namely those which appear to encompass the core of the invention in the present application:

Claims 1-23: A foam-in-bag dispensing system; and

Claims 32-37: A method of servicing a foam-in-bag dispensing system.

Re Item V.

1 The following documents are referred to in this communication:

D1 : US 5 335 483 A (GAVRONSKY GERMAN ET AL) 9 August 1994 (1994-08-09)

D2 : US 5 727 370 A (SPERRY CHARLES RICHARD) 17 March 1998 (1998-03-17)

D3 : US 2002/044305 A1 (FUJIMARU MASAHIRO ET AL) 18 April 2002 (2002-04-18)

D4 : US 2003/047860 A1 (TAKAMATSU NARITOSHI) 13 March 2003 (2003-03-13)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

2.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (see col.4, line 25 - col.5, line 25, fig.3):
a foam-in bag dispensing system comprising:
a film feed assembly (45 etc.) which feeds film (46) to said dispenser for

receiving chemical output from said dispenser, said film feed assembly including a film drive roller set which comprises a first roller (50) and a second roller (47) rotating on non-coincident axes (52,53), and a support structure (implicit) which supports said film drive roller set, said support structure including a first frame structure and a second frame structure.

- 2.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that the first roller can be moved away from the second roller.
- 2.1.3 The problem to be solved by the present invention may therefore be regarded as how to improve maintenance access to the film feed assembly.
- 2.1.4 Since film feeding arrangements are commonplace in machines classified in B65H, it would be reasonable to expect the skilled person to look in this technical field for a solution to this problem. In D4 the skilled person would find an arrangement allowing just the kind of maintenance access to web transfer rollers required to solve the present invention, namely a cover 8 which, when lifted, removes rollers 23 and 25 from contact with the respective drive rollers 24 and 26. This exposes the paper path for direct maintenance access.
- 2.1.5 Therefore the features disclosed in D1 and D4 would be combined by the skilled person, without exercise of any inventive skills, in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).
- 2.1.6 Alternatively, document D2 could be used as the document disclosing the basic principles and features of the dispensing system, document D3 providing an alternative and combinable source for the maintenance access features of the present independent claim 1.

3 INDEPENDENT CLAIM 32

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/014423

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 32 does not involve an inventive step in the sense of Article 33(3)PCT.

3.1.1 The arguments presented in 2.1.1 - 2.1.6 relevant to claim 1 are equally applicable here and are thus not repeated.

4 DEPENDENT CLAIMS 2-12, 18, 19, 33-35

The additional features of these claims are either known from the cited documents or can be considered obvious design features to one skilled in the art of foam-in-bag dispensing systems. Dependent claims 2-12, 18, 19, 33-35 thus do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

5 DEPENDENT CLAIMS 13-17, 20-23, 36, 37

The combination of the features of dependent claims 13-17, 20-23, 36, 37 are neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

- a. The incorporation of a heater wire into the dispensing system arrangement which already includes the maintenance access features cannot be considered to be obvious through a combination of any of the cited documents.
- b. The incorporation of an edge seal structure can similarly not be considered obvious.

Re Item VII

6.1 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/014423

- 6.2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D4 is not mentioned in the description, nor are these documents identified therein.
- 6.3 The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.
- 6.4 The units employed throughout the application (see for example pages 3, 17, 19, 21 etc.) are not additionally expressed in terms of the units stipulated by Rule 10.1 PCT.